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CLAIM REF.
#926980

8 MONTANA EIGHTH JUDICIAL DISTRICT COURT
9 CASCADE COUNTY

10 *****

11 JAMES PRIBYL, JAY PRIBYL,
12 and TINA-MARI PRIBYL

13 Plaintiffs,

14 v.

15 BS XPRESS, INC., and JOHN DOE No. 1

16 Defendants.
17

Cause No.

DDV 08- 016

Hon.

DRK A SANDEFUR

COMPLAINT AND JURY DEMAND

18 *****

19 COMES NOW the above-named Plaintiffs and complain and allege as follows:

- 20 1. At all times material herein, Plaintiffs resided in Cascade County, Montana.
21 2. The motor vehicle accident giving rise to this lawsuit occurred in Cascade County,
22 Montana.

23 COUNT I - NEGLIGENCE

- 24 3. Plaintiff restates each and every fact and allegation stated in ¶¶ 1-2 above.
25 4. On January 11, 2005, Roberta Lynn Gandy, an employee of Defendants, while
26 working within the course and scope of her employment with Defendants, negligently operated a
27 tractor trailer and failed to yield the right of way to a vehicle being operated by Plaintiff, Jay
28 Pribyl in which Plaintiff, James Pribyl was a passenger.

COPY

1 5. As the result of the negligence of Defendants' employee, which negligence
2 occurred while Defendants' employee was working within the course and scope of her
3 employment with Defendants, Plaintiffs Jay Pribyl and James Pribyl suffered serious and severe
4 injuries.

5 6. Since Defendants' employee was acting within the course and scope of her
6 employment at the time her negligence caused the accident identified in ¶4 above, Defendants are
7 vicariously liable for the injuries sustained by all Plaintiffs Jay and James Pribyl, as a result of
8 said accident.

9 7. As a result of the injuries suffered by Plaintiffs Jay Pribyl and James Pribyl
10 identified in ¶5, Plaintiffs Jay and James Pribyl have incurred, *inter alia*, significant past medical
11 bills and Plaintiff Jay Pribyl will incur significant future medical bills, for which Defendants are
12 liable.

13 8. Plaintiffs Jay and James Pribyl have also suffered, *inter alia*, significant past and
14 future economic damages as a result of the injuries identified in ¶5, above, for which Defendants
15 are liable.

16 **COUNT II - LOSS OF CONSORTIUM**

17 9. Plaintiff realleges each and every fact and allegation set forth in ¶¶1-8 above.

18 10. At all times material herein, Plaintiff, Tina-Mari Pribyl, was the lawful spouse of
19 Plaintiff, Jay Pribyl. As a result of the injuries suffered by Jay Pribyl due to the negligence of
20 Defendants' employee, occurring within the course and scope of her employment with
21 Defendants, Plaintiff, Tina Mari Pribyl has suffered significant loss of consortium damages
22 including but not limited to, the loss of society comfort companionship and care of her husband
23 Jay Pribyl.

24 11. Since Defendants' employee was acting within the course and scope of her
25 employment at the time her negligence caused the injuries to Plaintiff Jay Pribyl identified in ¶10
26 above, Defendants are vicariously liable for the loss of consortium damages sustained by
27 Plaintiff, Tina-Mari Pribyl identified herein.

12. WHEREFORE, Plaintiffs pray for judgment against Defendants as follows:

a) For all of the damages caused to Plaintiff, James Pribyl, individually, including but not limited to, his past and future medical costs; his past and future economic damages; his past and future physical and emotional pain and suffering; past and future emotional distress; and, past and future lost of established coarse of life, the amount of which will be proven at the time of trial;

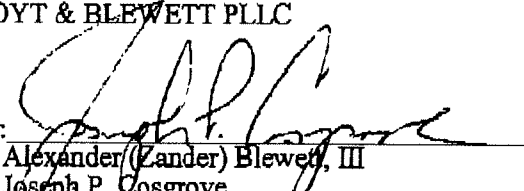
b) For all of the damages caused to Plaintiff, Jay Pribyl, individually, including but not limited to, his past and future medical costs; his past and future economic losses; his past and future physical and emotional pain and suffering; his past and future emotional distress; and, his past and future loss of established coarse of life, the amount of which will be proven at the time of trial;

c) For all of the loss of consortium damages suffered by Plaintiff, Tina-Mari Pribyl; and,

d) For all of Plaintiffs' costs and disbursements incurred herein and for any other damages permitted to be awarded to Plaintiffs under Montana law and for such other relief as the Court deems just under the circumstances.

DATED this 4th day of January, 2008.

HOYT & BLEWETT PLLC

By: 
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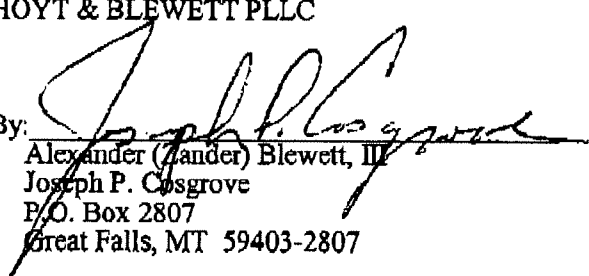
JURY DEMAND

Plaintiffs demand that all issues be tried before a jury.

DATED this 4th day of January, 2008.

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